

## **AMENDMENTS TO THE CLAIMS:**

This listing of claims will replace all prior versions, and listings, of claims in the application:

### **Listing Of Claims:**

1 – 35 (Cancelled)

36. (Currently Amended) A leakproof resealable container and cap assembly, comprising:

a) the cap is integrally attached to the container; b) the container having an upper portion and an inner and outer surface, the container having a cylindrical upstanding rim at the upper portion, the rim is defined as that portion of the container that contacts an inner wall of the cap, the rim having an inner wall and outer wall ~~rim~~, whereby the inner ~~rim~~ wall of the rim is substantially parallel to the inner surface of the container; c) the cap having a circular base with an outer periphery and a cylindrical tubular skirt extending perpendicularly and outwardly around the outer periphery of the base, the skirt having an inner wall, the inner wall of the skirt comprising a first portion that is substantially perpendicular to the base, extends downward from a top portion of the skirt and is planar, a second portion connected to the first portion that is conically tapered, extends downward from the first portion, and is planar, a third portion connected to the second portion and extends downward from the second portion, the inner wall of the skirt having at least one cap recess formed by at least the ~~third~~ second and ~~fourth~~ third portions of the inner wall of the skirt, the cap having opposing ends, the cap including a thumb tab for facilitating the opening and closing of the container, d) the cap consisting of one hinge attached to the container wherein the hinge has at least one hinge recess bend point that functions to rotate the cap at one pivot point, the thumb tab and the hinge being positioned on substantially opposing ends of the cap and extending perpendicularly and outwardly from the skirt of the cap;

the cap and container are configured so that when a sufficient frontal, downward pressure is applied upon the thumb tab of the cap with the one hand until the skirt of the cap overlies the container and at least a portion of the rim of the container engages the cap recess of the inner wall of the skirt of the cap, a resealable leakproof seal is formed; wherein the resealable leakproof seal is formed without the presence of an interlocking mechanism,

whereby the interlocking mechanism consists of a projection, a gap and the annular skirt of the cap that combine to form an annular channel for interlocking with the rim of the container, the annular channel is an annular gap formed between the annular projection and the inner wall of the skirt of the cap whereby the annular projection projects from an interior surface of the cap and is substantially perpendicular to the interior surface of the cap.

37. (Previously Presented) The leakproof resealable container and cap assembly of claim 25 wherein a flange projects radially outwardly from the outer surface of the container.

38. (Previously Presented) The leakproof resealable container and cap assembly of claim 25 wherein the container and cap assembly are molded of plastic.

39. (Previously Presented) The leakproof resealable container and cap assembly of claim 28 wherein the hinge recess forms two elements, one element being attached to the skirt of said cap and the second element being attached to the container; the recess functions as a bending point during the opening and closing of the container.

40. (Previously Presented) The leakproof resealable container and cap assembly of claim 29 wherein the first element of the hinge is from about 0.03 inches to about 0.125 inches measured from a center line of the recess and an outside perimeter of the cap.

41. (Previously Presented) The leakproof resealable container and cap assembly of claim 29 wherein the second element of the hinge is from about 0.1 inches to about 0.195 inches measured from a center line of the recess to an outside perimeter of the container.

42. (Currently Amended): An air-tight resealable container and cap assembly, comprising:

a) the cap is integrally attached to the container; b) the container having an upper portion and an inner and outer surface, the container having a cylindrical upstanding rim at the upper portion, the rim is defined as that portion of the container that contacts an inner wall of the cap, the rim having an inner wall and outer wall ~~rim~~, whereby the inner ~~rim~~ wall of the rim is substantially parallel to the inner surface of the container; c) the cap having a circular base with an outer periphery and a cylindrical tubular skirt extending perpendicularly and outwardly around the outer periphery of the base, the skirt having an inner wall comprising a first

portion that is substantially perpendicular to the base, extends downward from a top portion of the skirt and is planar, a second portion connected to the first portion that is conically tapered, extends downward from the first portion, and is planar, a third portion connected to the second portion and extends downward from the second portion, the inner wall of the skirt having at least one cap recess formed by at least the second and third portions of the inner wall of the skirt, the cap having opposing ends, the cap including a thumb tab for facilitating the opening and closing of the container, d) the cap consisting of one hinge attached to the container wherein the hinge has at least one hinge recess bend point that functions to rotate the cap at one pivot point, the thumb tab and the hinge being positioned on substantially opposing ends of the cap and extending perpendicularly and outwardly from the skirt of the cap;

the cap and container are configured so that when a sufficient frontal, downward pressure is applied upon the thumb tab of the cap with the one hand until the skirt of the cap overlies the container and at least a portion of the rim of the container engages the cap recess of the inner wall of the skirt of the cap, an a resealable airtight seal is formed; wherein the resealable airtight seal is formed without the presence of an interlocking mechanism, whereby the interlocking mechanism consists of a projection, a gap and the annular skirt of the cap that combine to form an annular channel for interlocking with the rim of the container, the annular channel is an annular gap formed between the annular projection and the inner wall of the skirt of the cap whereby the annular projection projects from an interior surface of the cap and is substantially perpendicular to the interior surface of the cap.

43. (Currently Amended) ~~An~~ The air-tight resealable container and cap assembly of claim ~~33~~ 42, wherein the recess of the hinge forms two elements, one element being attached to the skirt and the second element being attached to the container, the first element of the hinge is from about 0.03 inches to about 0.125 inches, measured from a center line of the recess and an outside perimeter of the cap; and wherein the recess of the inner wall of said cap has angular plane surfaces of about 15 to about 35 degrees from a reference vertical.

44. (Currently Amended) ~~An~~ The air-tight resealable container and cap assembly of claim ~~33~~ 42, wherein the airtight ability of the assembly in the closed position is less than about 150 micrograms of water after three days.